



Rec'd 3/10/05

10 MAR 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ian James Day and James Patrick Evans
Serial No. 09 / 936,960
Issued: September 18, 2001
Title: ENCLOSURE FOR HARDWARE
Our File: BAC-116-A

DAE
#4
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MAR 14 2005
OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

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Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

21 MAR 2005

Legal Staff
International Division

Sir:

The above-identified Application became abandoned for failure to reply in a timely manner to a Notice of Missing Parts ("Notice"), November 8, 2001 within the time period set therein. The Notice set forth that a properly executed oath or declaration in compliance with 37 CFR 1.63, and a surcharge for its late filing were required to avoid abandonment.

Applicant did not respond to the Notice because Applicant did not receive the Notice. However, Applicant's Attorney (the undersigned) made efforts to keep track of the status of the Application.

Applicant hereby petitions for revival of this application under 37 CFR 1.137(a) and submits the following items pursuant thereto:

- (1) Petition Fee (\$250.00);
- (2) Response to Notice to Missing Parts (and Declaration Surcharge Fee: \$65.00);
- (3) No Terminal Disclaimer is needed because the Application was filed after

June 8, 1995, and

03/11/2005 HALI11 00000001 09936960

01 FC:2452
02 FC:2051

250.00 OP
65.00 OP

(4) the following statements are submitted as providing an adequate showing of the cause of unavoidable delay, justifying revival of the Application to active status under 37 CFR 1.137(a):

The Application was filed in the United States Patent Office on September 18, 2001.

In the middle of June, 2003, the undersigned called the Patent Office to find out the status of the Application. This fact is confirmed by a handwritten note dated June 27, 2003 the undersigned entered on a Billing Letter for BAC-116-A (Exhibit A). The handwritten note indicates a phone number for and summarizes the understanding of a phone conversation with Mr. Mark Ragland at the Patent Office. Mr. Ragland is with the Office of PCT Legal Administration.

This conversation with Mr. Ragland is further confirmed by my letter (Exhibit B) of June 30, 2003 to the client, wherein I advise the client that I had undertaken an investigation with the Patent Office regarding the status of the matter.

Because the Application was filed without an executed Declaration, in my letter (Exhibit B), I advised the client that a Notice of Missing Parts might issue, which to date I had not received. Further, I advised the client that I thought that an answer from the Patent Office might be forthcoming in July, 2003.

I followed-up on this matter, as evidenced by my handwritten notes on the letter (Exhibit B). These notes summarize the result of a phone call with Mr. Ragland and my understanding that the file had to be retrieved from the Examining corps.

After a few months, Mr. Ragland called to advise that although the Application is shown as being within the Examining corps, the Application could not be presently located. This conversation with Mr. Ragland is confirmed by my letter of April 28, 2004 to the client (Exhibit C).

The Notice of Abandonment was mailed October 20, 2004.

Applicant's Attorney never received the Notice of Missing Parts, mailed November 8, 2001.

At the time of filing this Application in 2001, Applicant's Attorney was located at Plunkett & Cooney in Bloomfield Hills, Michigan. A Postcard (Exhibit D) filed along with the Application was returned by the Patent Office to the Bloomfield Hills address and date stamped by the Patent Office "JC 14 Rec'd PCT/PTO 18 SEP 2001".

The Notice of Missing Parts was mailed November 8, 2001, some two months later. This Notice was not received by the undersigned.

Although Applicant's Attorney changed his correspondence address in August 2003 and to his present address in Farmington Hills, Michigan, some three years later, the undersigned did receive the Notice of Abandonment, dated October 20, 2004.

Upon receiving the Notice of Abandonment, the Patent Office was promptly contacted, requesting a copy of the Notice of Missing Parts.

Upon request, Mr. Mark Ragland found and transmitted, by facsimile, a copy of the Notice of Missing Parts.


The undersigned did all that was possible to keep track of the Application and respond in a timely fashion to that which was received from the Patent Office. For some inexplicable reason, the undersigned never received the Notice to File Missing Parts sent from the Patent Office in 2001.

Applicant's Attorney submits that under the facts of this case the failure to respond was "unavoidable" within the meaning of 37 CFR 1.137(a).

Applicant hereby petitions for revival of this application under 37 CFR 1.137(a).

Please address correspondence to the address indicated below. A "Change of Correspondence Address Patent" form PTO/SB/123 (09-04) is being filed separately.

Respectfully submitted,


Arnold S. Weintraub, Reg. 25523

The Weintraub Group, P.L.C.
32000 Northwestern Highway, Suite 240
Farmington Hills, MI 48334

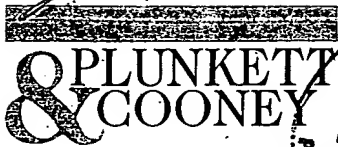
Phone: (248) 865-9430

FAX: (248) 865-9436

Dated: March 8, 2005

Attachments: Check for \$315.00: Petition Fee - \$250.00 and Surcharge Fee-\$65.00
Reply to Missing Parts (and Enclosure)
Exhibits A - D





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June 30, 2003

Dr. Anthony Burrows
Business Centre West
Avenue One, Business Park
Letchworth Garden City
Hertfordshire SG6 2HB
ENGLAND

VIA FACSIMILE



Re: National Phase Entry of PCT Patent Serial No.: 09/936,960
For: Enclosure for Hardware
Our File: BAC-116-A

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Dear Dr. Burrows:

OFFICE OF PETITIONS

I thank for your letter of June 24, 2003 and I have undertaken an investigation with the U.S. Patent and Trademark Office regarding the status of this matter. As we appreciate, the case was filed one week after September 11, 2001.

I conferred with a gentleman in the PCT Bureau of the U.S. Patent and Trademark Office who is going to track down the file, get back to me, and tell me what the status is of this matter. Since we did not file the application with an executed Declaration, I would anticipate that somehow the Patent Office sent out a Notice of Missing Parts which we, of course, never received. If this is the situation then I anticipate that I will have to petition the Patent Office to revive the application based upon the fact that we never received any communications regarding same, including the Notice to File Missing Parts and the formal Filing Receipt.

I should have an answer regarding this matter by no later than July 3, 2003.

Sincerely,

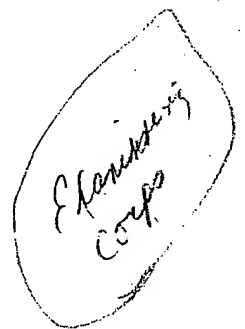
PLUNKETT & COONEY, P.C.

Arnold S. Weintraub

Arnold S. Weintraub
Direct Dial: (248) 901-4043

ASW/vm

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*EC w/ M. Rogers
and Petitioner
can file
Show
it's
in the
Examining
Corps*

THE
WEINTRAUB
GROUP,
P.L.C.
Intellectual
Property
Law

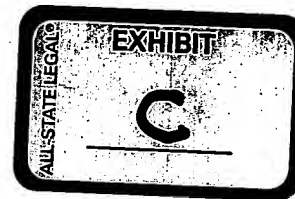


32000 Northwestern Highway, Suite 240
Farmington Hills, Michigan 48334
(248) 865-9430 – Telephone
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twg@weintraubgroup.com – E-mail

April 28, 2004

Dr. Anthony Burrows
Business Center West
Avenue One, Business Park
Letchworth Garden City
Hertfordshire SG6 2HB
ENGLAND

VIA FACSIMILE



Re: National Phase Entry of PCT Patent Serial No. 09/936,960
Your File: AB-FAX/CVG/1
Our File: BAC-116-A

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MAR 14 2005

OFFICE OF PETITIONS

Dear Dr. Burrows:


This letter is to provide you with a follow-up of the status of the above-identified matter. I have been in contact with the Patent Office to determine what has transpired. Unfortunately, I have been advised that the file is "lost" somewhere within the Patent Office and that different senior patent examiners are pointing fingers at each other. This was relayed to me by Mr. Ragland who is the clerk in charge of the file. All that aside, I have been requested to fax a status inquiry to the Patent Office along with a copy of the application as filed. I have now undertaken this process and I have been advised that I will be receiving an answer rapidly to this inquiry.

I will docket this for a two-month follow-up so that we can assure ourselves of a rapid turnaround.

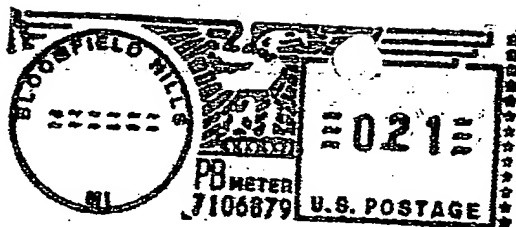
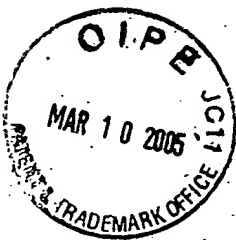
If you have any questions regarding this, please do not hesitate to contact me.

Sincerely,

THE WEINTRAUB GROUP, P.L.C.


Arnold S. Weintraub

ASW/vm
Enclosure



ARNOLD S WEINTRAUB
PLUNKETT & COONEY PC
38505 WOODWARD AVE SUITE 3000
BLOOMFIELD HILLS MI 48304

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JC14 Rec'd PCT/PTO 18 SEP 2001

The received stamp of the Patent Office imprinted hereon acknowledges the filing of:

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371; Filing Fee (\$654.00); PCT Int'l Application Published Under the Patent Cooperation Treaty; Combined Declaration and Power of Attorney [unsigned]; Notification of Transmittal of International Preliminary Examination Report; International Preliminary Examination Report; Voluntary Preliminary Examination Amendment; Verified Statement Claiming Small Entity Status - Small Business Concern [unsigned]; Express Mailing Certificate & Cover Letter

Applicants:	Ian James Day & James Patrick Evans
Serial No.:	Applied For Herewith
Atty. Docket:	BAC-116-A
Date:	September 18, 2001
12209.00773	

09/936960